

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
ANTHONY MANGANIELLO,

Plaintiff,

-against-

**DEFENDANTS' PROPOSED
VERDICT SHEET**

07 Civ. 3644 (HB)

DET. LOUIS AGOSTINI, DET. SHAWN ABATE, DET.
RICHARD MARTINEZ, DET. DERRICK PARKER,
POLICE OFFICER ALEX PEREZ AND POLICE
OFFICER MIRIAM NIEVES,

Defendants.
----- X

MALICIOUS PROSECUTION

1. Did plaintiff prove by a preponderance of the credible evidence that defendant Agostini initiated the criminal prosecution against him?

YES _____

NO _____

If "YES," proceed to Question 2. If "NO," skip to Question 5.

2. Did plaintiff prove by a preponderance of the credible evidence that defendant Agostini committed misconduct in connection with ADA Scaccia's presentation of evidence to the Grand Jury?

YES _____

NO _____

If "YES," proceed to Question 3. If "NO," skip to Question 5.

3. Did plaintiff prove by a preponderance of the credible evidence that defendant Agostini acted with malice in initiating the criminal prosecution?

YES _____

NO _____

If "YES," proceed to Question 4. If "NO," skip to Question 5.

4. (a) Did plaintiff prove by a preponderance of the credible evidence that his injury was caused by defendant Agostini?

YES _____

NO _____

If "YES," answer question 4(b) or 4(c). If "NO," skip to Question 5.

(b) If YES, state the dollar amount of any compensatory damages sustained by plaintiff that were caused by the conduct of defendant Agostini.

\$ _____

(c) If you find that defendant Agostini maliciously prosecuted plaintiff but find that plaintiff did not sustain any compensatory damages as a result of the violation, what amount of nominal damages, not to exceed one dollar, do you award plaintiff?

\$ _____

5. Did plaintiff prove by a preponderance of the credible evidence that defendant Abate initiated the criminal prosecution against him?

YES _____

NO _____

If "YES," proceed to Question 6. If "NO," skip to Question 9.

6. Did plaintiff prove by a preponderance of the credible evidence that defendant Abate committed misconduct in connection with ADA Scaccia's presentation of evidence to the Grand Jury?

YES _____

NO _____

If "YES," proceed to Question 7. If "NO," skip to Question 9.

7. Did plaintiff prove by a preponderance of the credible evidence that defendant Abate acted with malice in initiating the criminal prosecution.

YES _____

NO _____

If "YES," proceed to Question 8. If "NO," skip to Question 9.

8. (a) Did plaintiff prove by a preponderance of the credible evidence that his injury was caused by defendant Abate?

YES _____

NO _____

If "YES," answer question 8(b) or 8(c). If "NO," skip to Question 9.

(b) If "YES," state the dollar amount of any compensatory damages sustained by plaintiff that were caused by the conduct of defendant Abate.

\$ _____

(c) If you find that defendant Abate maliciously prosecuted plaintiff but find that plaintiff did not sustain any compensatory damages as a result of the violation, what amount of nominal damages, not to exceed one dollar, do you award plaintiff?

\$ _____

9. Did plaintiff prove by a preponderance of the credible evidence that defendant Martinez initiated the criminal prosecution against him?

YES _____

NO _____

If "YES," proceed to Question 10. If "NO," skip to Question 13.

10. Did plaintiff prove by a preponderance of the credible evidence that defendant Martinez committed misconduct in connection with ADA Scaccia's presentation of evidence to the Grand Jury?

YES _____

NO _____

If "YES," proceed to Question 11. If "NO," skip to Question 13.

11. Did plaintiff prove by a preponderance of the credible evidence that defendant Martinez acted with malice in initiating the criminal prosecution?

YES _____

NO _____

If "YES," proceed to Question 12. If "NO," skip to Question 13.

12. (a) Did plaintiff prove by a preponderance of the credible evidence that his injury was caused by defendant Martinez?

YES _____

NO _____

If "YES," answer question 12(b) or 12(c). If "NO," skip to Question 13.

(b) If YES, state the dollar amount of any compensatory damages sustained by plaintiff that were caused by the conduct of defendant Martinez.

\$ _____

(c) If you find that defendant Martinez maliciously prosecuted plaintiff but find that plaintiff did not sustain any compensatory damages as a result of the violation, what amount of nominal damages, not to exceed one dollar, do you award plaintiff?

\$ _____

13. Did plaintiff prove by a preponderance of the credible evidence that defendant Parker initiated the criminal prosecution against him?

YES _____

NO _____

If "YES," proceed to Question 14. If "NO," skip to Question 17.

14. Did plaintiff prove by a preponderance of the credible evidence that defendant Parker committed misconduct in connection with ADA Scaccia's presentation of evidence to the Grand Jury?

YES _____

NO _____

If "YES," proceed to Question 15. If "NO," skip to Question 17.

15. Did plaintiff prove by a preponderance of the credible evidence that defendant Parker acted with malice in initiating the criminal prosecution?

YES _____

NO _____

If "YES," proceed to Question 16. If "NO," skip to Question 17.

16. (a) Did plaintiff prove by a preponderance of the credible evidence that his injury was caused by defendant Martinez?

YES _____

NO _____

If "YES," answer question 16(b) or 16(c). If "NO," skip to Question 17.

(b) If "YES," state the dollar amount of any compensatory damages sustained by plaintiff that were caused by the conduct of defendant Parker.

\$ _____

(c) If you find that defendant Parker maliciously prosecuted plaintiff but find that plaintiff did not sustain any compensatory damages as a result of the violation, what amount of nominal damages, not to exceed one dollar, do you award plaintiff?

\$ _____

17. Did plaintiff prove by a preponderance of the credible evidence that defendant Nieves initiated the criminal prosecution against him?

YES _____

NO _____

If "YES," proceed to Question 18. If "NO," skip to Question 21.

18. Did plaintiff prove by a preponderance of the credible evidence that defendant Nieves committed misconduct in connection with ADA Scaccia's presentation of evidence to the Grand Jury?

YES _____

NO _____

If "YES," proceed to Question 19. If "NO," skip to Question 21.

19. Did plaintiff prove by a preponderance of the credible evidence that defendant Nieves acted with malice in initiating the criminal prosecution?

YES _____

NO _____

If "YES," proceed to Question 20. If "NO," skip to Question 21.

20. (a) Did plaintiff prove by a preponderance of the credible evidence that his injury was caused by defendant Nieves?

YES _____

NO _____

If "YES," answer question 20(b) or 20(c). If "NO," skip to Question 21.

(b) If "YES," state the dollar amount of any compensatory damages sustained by plaintiff that were caused by the conduct of defendant Nieves.

\$ _____

(c) If you find that defendant Nieves maliciously prosecuted plaintiff but find that plaintiff did not sustain any compensatory damages as a result of the violation, what amount of nominal damages, not to exceed one dollar, do you award plaintiff?

\$ _____

21. Did plaintiff prove by a preponderance of the credible evidence that defendant Perez initiated the criminal prosecution against him?

YES _____

NO _____

If "YES," proceed to Question 22. If "NO," you are done and this is your verdict.

22. Did plaintiff prove by a preponderance of the credible evidence that defendant Perez committed misconduct in connection with ADA Scaccia's presentation of evidence to the Grand Jury?

YES _____

NO _____

If "YES," proceed to Question 23. If "NO," you are done and this is your verdict.

23. Did plaintiff prove by a preponderance of the credible evidence that defendant Perez acted with malice in initiating the criminal prosecution?

YES _____

NO _____

If "YES," proceed to Question 24. If "NO," you are done and this is your verdict.

24. (a) Did plaintiff prove by a preponderance of the credible evidence that his injury was caused by defendant Perez?

YES _____

NO _____

If "YES," answer question 24(b) or 24(c). If "NO," you are done and this is your verdict.

(b) If "YES," state the dollar amount of any compensatory damages sustained by plaintiff that were caused by the conduct of defendant Perez.

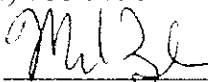
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(c) If you find that defendant Perez maliciously prosecuted plaintiff but find that plaintiff did not sustain any compensatory damages as a result of the violation, what amount of nominal damages, not to exceed one dollar, do you award plaintiff?

\$ _____

Dated: New York, New York
June 9, 2008

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